

REMARKS

This amendment is in response to the Decision on Appeal issued April 30, 2010 by the Board of Patent Appeals and Interferences (BPAI) (the “Decision”) and further in response to the subsequent Action issued August 4, 2010 by the Examiner (the “Action”). Reconsideration and allowance of the application in light of the above amendments and the following remarks is respectfully requested.

Claim Status:

Claims 22 and 24 were cancelled previously without prejudice or disclaimer. Claim 23 was cancelled by Examiner’s Amendment in the Action of August 4, 2010. Applicant hereby accepts and approves that Examiner’s Amendment.

The Decision:

In the Decision on Appeal, the rejection of claim 1 was affirmed. However, all rejections of claims 2-12 and 17-22 were reversed. Accordingly, the subject matter of these claims is allowable.

The Amendment:

Consistent with the Decision, the present amendment makes the following changes in the claims to place the application in condition for allowanced.

(1) Rejected claim 1, the only rejected claim, is cancelled without prejudice or disclaimer.

(2) Claims 2, 10-13 and 17 are each amended herein and rewritten as an independent claim including all the language of canceled claim 1. All other remaining claims depend from one of these newly-independent claims.

Following entry of this amendment, the only rejected claim, claim 1, is cancelled, and all the other claims are amended as need to be independent from cancelled claim 1. Therefore, consistent with the Decision and the request of the Examiner in the Office Action, the application should be in condition for allowance.

Conclusion:

This response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments in future papers as may be needed supporting the patentability of any of the claims. Additionally, Applicant notes that the arguments made on the record in favor of the claims may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

The absence of a reply to a specific rejection, issue or comment during prosecution of this application does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this paper or Applicant's other filings should be construed as an intent to concede any issue with regard to any claim, except as specifically stated, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

/Steven L. Nichols/

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